



Atty. Docket No.:

4231/2055N

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Choong-Chin Liew

Serial No.:

10/812,707

Filed:

March 30, 2004

Entitled:

Method for the Detection of Allergies

Related Gene Transcripts in Blood

Related Gene Transcripts in Blood

Examiner:

Switzer

Group Art Unit:

1634

Conf. No.:

5409

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kathleen Williams

Name of Person Mailing Paper

Signature of Person Mailing Paper

Mail Stop Amendment **Commissioner for Patents** P.O. Box 1450 **Alexandria, VA 22313-1450**

TRANSMITTAL LETTER

Enclosed for filing in the above-identified patent application, please find the following documents:

- 1. Information Disclosure Statement;
- 2. Form PTO-1449; and
- 3. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 4231/2055N. A duplicate of this transmittal letter is enclosed for this purpose.

Date: 10/13/05

Respectfully submitted,

e: Name: Kathleen Williams

Registration No.: B4,380 Customer No.: 29933 Palmer & Dodge/LLP 111 Huntington Avenue Boston, MA 02/199-7613

Tel: 617-239-0100



Atty. Docket No.:

4231/2055N

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Choong-Chin Liew

Filed:

Serial No.:

10/812,707 March 30, 2004

Entitled:

Method for the Detection of Allergies

Related Gene Transcripts in Blood

Related Gene Transcripts in Blood

Examiner:

Switzer

Group Art Unit:

1634

Conf. No.:

5409

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Pox-1450, Alexandria, VA 22313-1450.

Kathleen Williams

Name of Person Mailing Paper

Signature o Person Mailing Pape

Mail Stop Amendment **Commissioner for Patents** P.O. Box 1450 **Alexandria, VA 22313-1450**

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§§ 1.56, 1.97 AND 1.98

Dear Sir:

In accordance with the duty of disclosure under 37 CFR § 1.56, Applicant submits this Information Disclosure Statement pursuant to 37 CFR §§ 1.97 and 1.98 in the above-identified application for consideration by the Patent Office.

The attached Form PTO-1449 contains a listing of the cited documents. This application was filed after June 30, 2003, and copies of U.S. patents and U.S. patent applications are not required and are not enclosed. Accordingly, no copies are enclosed of documents numbered 1-28 on the attached Form PTO-1449.

No copies of foreign patent documents and non-patent literature which are listed on the attached Form PTO-1449 are enclosed as they have been previously submitted to the United States Patent and Trademark Office on an IDS or a supplemental IDS filed in the related U.S. patent applications of 10/268,730 and/or 10/601,518. Accordingly, no copies are enclosed of documents numbered 29-104 of the attached Form PTO-1449, since these documents were

Attorney Docket: 4231/2055N U.S. Serial No. 10/812,707

submitted previously with an IDS or a supplemental IDS filed ina related application. Specifically, no copies are enclosed of foreign patent documents numbered 29-35 and other documents numbered 48-70 and 72-87 since these documents were submitted previously with an IDS or a supplemental IDS filed in application serial number 10/268,730. Further, no copies are enclosed of foreign patent documents numbered 36-47 and other documents numbered 71 and 88-104, since these documents were submitted previously with an IDS or a supplemental IDS filed in application serial number 10/601,518.

Pursuant to CFR § 1.97(b)(3), because this Statement is being submitted before the first Office Action on the merits, no fee is required.

Applicant does not intend to represent that any of the documents submitted herein are material prior art to this invention or that the list represents an exhaustive search of documents related to this invention.

Applicant respectfully requests that the documents submitted herein be considered and made of record in this application.

Date: 10/13/05

Name: Name: Kathleen Williams

Registration No.: 34,380 Customer No.: 29933 Palmer & Dodge LLP 111 Huntington Avenue Boston, MA 02199-7613

Respectfully submitted,

Tel: 617-239-0100

OCT 1 7 2005

USPT Form 1449 U.S. Department of Commerce Paters and Trademark Office

Attorney Docket No. 4231/2055N

Serial No. 10/812,707

JT |

Applicant(s): Choong-Chin Liew

Filing Date: March 30, 2004

Group: 1634

INFORMATION DISCLOSURE STATEMENT

J.S. PATE	T DO	Patent No.	Date	Name	Class	Subclass	Filing Date
Initial						54501455	
	1	6,190,857	February 20, 2001	Ralph et al.			
	2	6,218,529	April 17, 2001	An et al.			
	3	6,277,574	August 21, 2001	Walker, et a.			
	4	5,853,996	December 29, 1998	Mordechai, et al.			
	5	6,251,590	June 26, 2001	Schweighoffer et al.			
	6	5,882,864	March 16, 1999	An et al.			
	7	5,942,385	August 24, 1999	Hirth			
	8	6,479,263	November 12, 2002	Slawin et al.			
	9	6,048,709	April 11, 2000	Falb et al.			
	10	6,124,433	September 26, 2000	Falb, et al.			
	11	6,486,299	November 26, 2002	Shimkets			
	12	6,525,185	February 25, 2003	Fan, et al.			
	13	5,352,775A	October 4, 1994	Albertson et al			
	14	5,837,449	November 17, 1998	Monia et al.			
	15	2003/0104393 A1	June 5, 2003	Sharp, Frank R. et al.			
	16	6,642,002	November 4, 2003	Loyd, et al.			
	17	6,630,301	October 7, 2003	Gocke, et al.			
	18	6,692,916	February 17, 2004	Bevilacqua et al.			
	19	6,521,420	February 18, 2003	Herman, et al.			

	20	2003/0224374	Dec 200	cember 4,		ai, HongYu	ıe						
	21	2002/0142981	Oct	October 3, 2002		orne, Darci . et al.						,	
	22	2003/0180743	September 25, 2003			agasu et al.							
	23	2004/0121390			S	harma et al.		<u>.</u> .					
	24	5,739,432		ril 4, 1998	-	inha							
	25	6,607,898		gust 19,	K	opreski, et	al.			••			
	26	6,617,170	Sep 200	otember 9,	A	ugello, et a	l.						
	27	5,352,775	Oct 199	tober 4,	A	lbertson et							-
	28	5,837,449	l	vember, 1998	M	Ionia et al.							
FOREIGN	PATEN	T DOCUMENTS			l								
Examiner Initial	:	Document No.		Publication Date		Country	C	lass	Subo	class		insla	tion No
	29	DE 44 35 919 C	• • • • • • • • • • • • • • • • • • • •	07 DEC 199	5	GERMA NY				•			
	30	EP 0 534 640 A		31 MAR 1993		EPO							
	31	JP 09 187299		22 JUL 199	7	JAPAN							
	32	WO 98/18906		07 MAY 1998		PCT							•
	33	WO 98/24935		11 JUN 199	8	PCT							
	34	WO 98/33942		06 AUG 1998		PCT							
	35	WO 98/49342		05 NOV 1998		PCT							
	36	WO/01/25473		04/12/2001		PCT							
	37	WO/03/040404		05/15/2003		PCT							
	38	WO/02/14547		Feb. 21, 2002		PCT							
	39	WO/03/061564		July 31, 2003		PCT							
	40	WO/03/086445		October 23 2003	,	PCT							
	41	WO/02/074986		September 26, 2002		PCT							
	42	WO/02/103320		December 27, 2002		PCT							
	43	WO/02/057414A	12	July 25, 2002		PCT					Front Page and	- 1	

							Abstra ct Only		
	44	WO/03/008647	01/30/2003	PCT					
	45	WO/03/090694	11/06/2003	PCT					
	46	WO/03/072827	09/04/2003	PCT	-				
	47	WO/04/061410	07/22/2004	PCT					
OTHER D	OCUME	ENTS (including Autho			ges, etc.)	* 12			
	48	Claudio, J.O. et al. (1							
	49	Chelly J et al. (1989)			<u>4. 86:261</u>	7-2621			
	50	Chelly J et al. (1988)	. <i>Nature</i> 333:8	<u>58-860.</u>					
	51	Drews J & Ryser S (1	997). Nature	Biotech. 15:	1318-9.				
	52	Ferrie RM et al. (199	2). Am. J. Hun	n. Genet. 51	:251-62				
:	53	Fu D-J et al. (1998).	Nat. Biotech 1	6: 381-4.					
	54	Gala JL et al. (1998).			•		,		
	55	Geisterfer-Lowrance	AAT et al. (19	990). <i>Cell</i> 6	2:999-10	06.			
	56	Groden J et al. (1991)). Cell 66:589	-600.					
	57	Jandreski MA & Liev	w CC (1987). <i>I</i>	Hum. Genet.	76:47-53	3.	4		
	58	Jin O et al. (1990). Circulation 82:8-16							
	59	Kimoto Y (1998). Mol. Gen. Genet 258:233-239.							
	60	Koster M et al. (1996). Nat. Biotech 14: 1123-8							
	61	Liew & Jandreski (1986). Proc. Nat. Acad. Sci. USA. 83:3175-3179							
	62	Liew CC et al. (1990). Nucleic Acids Res. 18:3647-3651.							
	63	Liew CC (1993). J Mol. Cell. Cardiol. 25:891-894							
	64	Liew CC et al. (1994). Proc. Natl. Acad. Sci. USA. 91:10645-10649							
	65	Liew et al. (1997). M							
	66	Niimura H et al. (199			3:1248-12	:57			
	67	Ogawa M (1993). Blo							
	68	Riccie et al. (1997) N							
	69	Santoro IM & Groder							
	70	Yuasa T et al. (1998)		***************************************					
	71	Marshall KW (1996)					D (2002)		
	72	Campbell, C.; Vernor		•		-		2000	
		Assessment of Norma	_	n Peripnera	i Biooa G	ene Expres	ssion. Disc	ease	
	73	Markers, 18:201-206 Yoshikai et al., "Genor		n of the Hum	an Amylo	id Beta-Pred	cursor Gen	e"	
	,,,	Gene 87:257-263 (199	00)	-			· · · · · · · · · · · · · · · · · · ·		
	74	GENBANK AC:V0056 (XP002141055)							
	75	GENBANK AJ:00314 FMF Region" (XP002	•	98, Bernot et	al., "A Tr	anscriptiona	ıl Map of tl	he	
	76	GENBANK AC:M735		95, Joslyn et a	ıl., "Identi	fication of [Deletion		

	<u> </u>	Mutations and Three New Genes at the Familial Polyposis Locus" (XP002141058)
-	77	GENBANK AC:X52889, September 1993, Liew, "Complete Sequence and Organization
		of the Human Cardiac Beta-Myosin Heavy Chain Gene" (XP002141056)
	78	GENBANK AC:M54947, April 1993, Seidman et al., "Molecular Studies of the Atrial
		Natriuretic Factor Gene" (XP002141054)
	79	Nagai et al. "Decrease of the D3 dopamine receptor mRNA expression in lymphocytes
		from patients with Parkinson's disease," Neurology 46:791-795 (1996)
	80	Mattano et al. "Sensitive Detection of rRare Circulating Neuroblastoma Cells by the
		Reverse Transcriptase-Polymerase Chain Reaction Cancer Research 52:4701-4705 (1992)
	81	Katz et al. "Molecular Staging of Prostate Cancer with the Use of an Enhanced Reverse
		Transcriptase-PCR Assay" Urology43(6):765-775 (1994)
	82	Burchill et al. "Neuroblastoma cell detection by reverse transcriptase-polymerase chain
		reaction (RT-PCR) for tyrosine hydroxylase mRNA" Int. J. Cancer 57:671-675 (1994)
	83	Johnson PWM et al. "The molecular detection of circulating tumor cells", British Journal
		of Cancer 72:268-275 (1995), PAGES 268-276
	84	Seiden et al. Detection of Curculating Tumor Cells in Men with Localized Prostate Cancer
		Journal of Clinical Oncology 12(12):2634-2639 (1994)
	85	Moreno J.G. et al. "Detection of Hematogenous Micrometastasis in Patients with Prostate
	100	Cancer" Cancer Research 52:6110-6112 (1992)
	86	Hannon et al. NCCLS "Blood Collection on Filter Paper for Newborn Screening
		Programs; Approved Standard—Fourth Edition—NCCLS document LA4-A4 [ISBN 1-
		56238-503-8] NCCLS, 940 West Valley Road, Suite 1400, Wayne Pennsylvania 19087
<u> </u>	87	USA (2003) Vol. 23 No.21. Pages 1-31 Ernst et al. NCCLS "Procedures and Devices for the Collection of Diagnostic Capillary
	07	Blood Specimens; Approved Standard—Fifth Edition. NCCLS document H4-A5 [ISBN 1-
		56238-538-0]
		NCCLS, 940 West Valley Road, Suite 1400, Wayne Pennsylvania 19087 USA (2004) Vol.
		24 No.21. Pages 1-47
	88	Kopreski Michael, S. et al. August 1999, "Detection of Tumor Messenger RNA in
		the Serum of Patients with Malignant Melanoma", Clinical Cancer Research Vol
		5: 1961-1965
	89	Vernon, S.D. et al; (2002) "Utility of the Blood for Gene Expression and Profiling
		and Biomarker Discovery in Chronic Fatigue Syndrome, Disease Markers, 18: 193-
		199
	90	Dasi, Francisco et al. (May 2001) Real-Time quantification in plasma of human
	30	telomerase reverse transcriptase (hTERT) mRNA: A simple blood test to monitor
	01	disease in cancer patients. Laboratory Investigation, Vol. 81, No. 5, p.767-769,
	91	Fleischhacker, Michael et al. (Sept 2001) Detection of Amplifiable Messenger RNA
		in the Serum of Patients with Lung Cancer Annals. N Y Acad Sciences 945:179-
-	00	188
	92	Gal, Shira et al. (Sept 2001) Detection of Mammaglobin mRNA in the Plasma of
		Breast Cancer Patients Annals, N Y Acad Sciences, 945:192-194
	93	Zhang, H.Q., Lu, H., Enosawa, S. Takahara, K. Sakamoto, T. Nakjima, H. S. and
		Suzuki, S. (2002) Microarray analysis of Gene Expression in Peripheral Blood
		Mononuclear Cells Derived from Long-Surviving Renal Recipients, Transplantation
		Proceedings 34 1757-1759
	94	Baechler, E.C., Batliwalla, F. M., Karypis, G. Gaffney, P.M.; Ortmann, W.A.
		Espe, K.J., Shark, K.B., Grande W. J. Hughes, K.M., Kapur, V., Gregersen, P.K.
	•	<u> </u>

		and Behrens, T.W. (March 4, 2003) Interferon-inducible gene expression signature
		in Peripheral Blood Cells of Patients with Severe Lupus. PNAS 100 (5):2610-5.
ŀ	95	Lo, Y.M. Dennis (2001 Sept.) Circulating Nucleic Acids in Plasma and Serum:
		An Overview, Ann N Y Acad Scien 945: 1-7
	95	Ng, Enders K.O., Tsui, N.B.Y., Lam, NYL, Chiu, R.W.K., Yu, S.C.H., Wong,
		S.C.C., Lo, E.S.F., Rainer, T.H., Johnson, P.J., and Lo, Y.M.D. (August, 2002)
1		Presence of Filterable and Nonfilterable mRNA in the Plasma of Cancer Patients
	•	and Healthy Individuals. Clin. Chem. 48(8):1212-1217
	96	Mengelle, C. Sandres-Saune, K. Pasquier, C. Rostaing, L. Mansuy, J-M, Marty, M.
		Da Silva, I., Attal, M., Massip, P. and Izopet, J. (Aug 2003) Automated Extraction
		and Quantification of Human Cytomegalovirus DNA in Whole Blood by Real-Time
		PCR Assay. J. Clin. Microbiology, 41(8):3840-3845
	97	Samuel DePrimo et al. (2003) Expression profiling of Blood Samples from an
		SU5416 Phase II Metastatic Colorectal Cancer Clinical Trial: A novel strategy for
		biomarker identification. BMC Cancer, 3(3): 1-12
	98	Taback B. et al. (Dec 15, 2001) Detection of Occult Metastatic Breast Cancer Cells
		in Blood by a Multimolecular Marker Assay: Correlation with Clinical Stage of
		Disease. Cancer Research, 61:8845-8850
	99	Schuster R. et al. (2003) Quantitative Real-Time RT-PCR for Detection of
		Disseminated Tumor Cells in Periphral Blood of Patients with Colorectal Cancer
		Using Different mRNA Markers. Int. J. Cancer. 108:219-227
	100	Twine et al. (September 15, 2003) Disease Associated Expression Profiles in
		Peripheral Blood Mononuclear Cells from Patients with Advanced Renal Cell
		Carcinoma. Cancer Research, 63:6069-6075
	101	Vawter M. et al. (2004) Microarray screening of lymphocyte gene expression
		differences in a multiplex schizophrenia pedigree, Schizophrenia Research, 67
		(2004):41-52
	102	
		Neumann et al. (Jan 2002) Identification of differentially expressed genes in
		rheumatoid arthritis by a combination of complementary DNA array and RNA
		arbitrarily primed-polymerase chain reaction. Arthritis Rheum. 46(1):52-63.
	103	Schwering, I. et al. (2003) Profiling of Hodgkin's lymphoma cell line L1236 and
		germinal center B cells: identification of Hodgkin's lymphoma-specific genes,
		Molecular Medicine, No. 3-4: 85-95
	104	Martin, K. et al (2001) High-sensitivity array analysis of gene expression for the
		early detection of disseminated breast tumor cells in peripheral blood Proceedings
		of National Academy of Sciences, Vol. 98, No. 5: 2646-2651
EXAMINER		DATE CONSIDERED

*EXAMINER: Initial reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

** Copies of references not provided at the time of this submission.